



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

H.TANAKA, et al.

Serial No.: 07/969,176

Art Unit: 1501

Filed: February 12, 1993

Examiner: R. Harrison

For: Cosmetics Comprised of a Flaky,  
Fine Powder and Method of Production

DECLARATION

I, HIROKAZU TANAKA, hereby declare that:

1. I reside at Kitakyusyu city, Fukuoka, Japan.
2. I received a degree of Bachelor of Science from Science University of Tokyo, in March 1970.

3. I have been employed by Catalysts & Chemicals Industries Co., Ltd. for 25 years as a researcher, and I have worked in the Research and Development Division in the field of inorganic chemistry for 25 years.

4. I have conducted or had conducted under my direction comparative tests between my invention and the closest embodiment in the Kohlschutter reference (USP 3,922,392) as follows:

4.1 Preparation of Coating Mica Flakes with Silica:

The procedure described in Example 1 of the present invention was repeated to prepare coating mica flakes with silica (Sample F).

And the procedure was carried out in the same manner as

described in Example 1 of the present invention except that silica organosol was not used. That is, tetraethoxysilane and 28 % aqueous ammonia were added simultaneously in 500 g of ethanol dispersion containing 80 g of natural mica, at temperature of 45 °C and pH 9.5. The quantity of added tetraethoxysilane was 13.3 g in terms of  $\text{SiO}_2$ . After the mixture was additionally stirred for 2 hours, the dispersion was filtered, washed and then dried at 100 °C, and furthermore calcined for 4 hours at 600 °C, and thus coating mica flakes with silica (Sample G) were prepared. I believe that mica is closer base material than glass spheres used in Example 1 of the Kohlschutter reference, and that Sample G is the closest embodiment in the Kohlschutter reference, since mica is disclosed as the base material to be coated with silica at column 2, line 12 of the reference.

#### 4.2 Measurement of Scattering of Reflected Light:

The scattering state of reflected light was measured for each sample, as well as described in the specification of the present invention. The results are shown in Fig.1 (Sample F) and Fig.2 (Sample G).

#### 4.3 Evaluation of Samples:

In sample F (Fig.1) the reflected light is distributed homogeneously, but in sample G (Fig.2) it is not distributed homogeneously. Accordingly the soft focus effect in sample F prepared according to the present invention is outstanding.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hirokazu Tanaka

April 15, 1996

Date

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